

HONORABLE JOHN C. COUGHENOUR

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSEPH A. IOPPOLO; DAVID MCCRAY
and SALLY MCCRAY, husband and wife;
SCOTT KASEBURG and KATHRYN
KASEBURG, husband and wife; CAR LOT
LLC, a Washington limited liability
company; FLOOR CRAFT BUILDING
LLC, a Washington limited liability
company; FREY REED BUILDING LLC, a
Washington limited liability company; and
WOODINVILLE LANDING LLC, a
Washington limited liability company, for
themselves and a Class of Similarly Situated
Plaintiffs,

Plaintiffs,

vs.

PORT OF SEATTLE, a municipal
corporation; PUGET SOUND ENERGY,
INC., a Washington for profit corporation,
KING COUNTY, apolitical subdivision of
the State of Washington; and CENTRAL
PUGET SOUND REGIONAL TRANSIT
AUTHORITY, a municipal corporation,

Defendants.

Case No. 2:15-cv-00358-JCC

DEFENDANT SOUND TRANSIT'S
JOINDER OF KING COUNTY'S
MOTION FOR SUMMARY
JUDGMENT TO DISMISS INVERSE
CONDEMNATION CLAIM

NOTE ON MOTION CALENDAR:

August 7, 2015

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DEFENDANT SOUND TRANSIT'S JOINDER OF
KING COUNTY'S MOTION FOR SUMMARY
JUDGMENT TO DISMISS INVERSE
CONDEMNATION CLAIM- 1

CENTRAL PUGET SOUND REGIONAL TRANSIT
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I. INTRODUCTION

Defendant Central Puget Sound Regional Transit Authority (“Sound Transit”) joins defendant King County’s motion for summary judgment (Dkt. #46, filed 7 July 2015). For the reasons stated in King County’s motion and based on the additional facts contained herein, Plaintiffs’ inverse condemnation claim should also be dismissed with prejudice as to Sound Transit.

II. SOUND TRANSIT-SPECIFIC FACTS

With the exception of an approximately one-mile stretch of the railbanked corridor in Bellevue, Sound Transit currently has no voter-approved plans to construct any facilities in the railbanked corridor. *See* Declaration of Don Billen (“Billen Decl.”) at 4. There is a portion of the railbanked corridor in Bellevue, located approximately between NE 6th Street at the southern end and SR 520 at the northern end, which Sound Transit does have affirmative plans to use for the East Link Light Rail system. Billen Decl. at 4. Sound Transit owns a fee interest in most of that section of the corridor, and the remaining section in which Sound Transit claims an easement right is not adjacent to the property of any named plaintiff in this action (Billen Decl. at 4; compare to plaintiffs’ addresses listed in Plaintiffs’ complaint – Dkt. No. 18).

Thus, the Plaintiffs herein cannot claim any property interest in the section of the corridor in which Sound Transit has any current plans to construct light rail facilities, and Sound Transit has no current plans in the remainder of the corridor.

III. CONCLUSION

For the reasons set forth herein and in King County’s motion, Sound Transit respectfully requests that the Court dismiss Plaintiffs’ inverse condemnation claim against Sound Transit with prejudice.

1 DATED this 9th day of July, 2015.

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4 By 

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CERTIFICATE OF SERVICE

I, Ruby Fowler, declare that I am employed by the Central Puget Sound Regional Transit Authority, a citizen of the United States of America, a resident of the State of Washington, over the age of eighteen (18) years, not a party to the above-entitled action, and competent to be a witness herein.

On July 9, 2015, I caused a true and correct copy of the foregoing document to be served on counsel listed below in the manner indicated:

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DATED this 9th day of July, 2015.



Ruby Fowler, Legal Secretary